

PROJECT-BASED VOUCHER PROGRAM REQUEST FOR PROPOSALS (RFP)

The Brown County Housing Authority (BCHA) is accepting proposals from property owners and developers wishing to place Project-Based Vouchers (PBV) in developments in rural areas of Brown County. The goal of this request is to de-concentrate poverty and expand economic and housing opportunities in rural areas for low income families. The PBV program is designed to conform to the Project-Based Voucher Program Final Rule published on October 13, 2005 at 24 CFR Part 983, the HERA Act of 2008 from November 24, 2008, and other related PIH Notices and HUD guidance.

DESCRIPTION OF PBV PROGRAM

Through the PBV Program, the BCHA will enter into housing assistance payments contracts with selected property owners for designated rental units for an initial term of up to fifteen years and renewable for up to fifteen years, for a maximum total term of thirty years, subject to funding availability. Housing assistance subsidies will be provided while eligible families occupy the rental housing units and the units meet other program standards. The BCHA will refer families from its project based Housing Choice Voucher program waiting list to the project owner in order to fill vacant units. The BCHA's published subsidy standards will determine the appropriate unit size for the family size and composition.

ELIGIBLE HOUSING

The BCHA may authorize PBV assistance for both existing housing units that substantially comply with Housing Quality Standards and newly constructed and rehabilitated housing units (units developed pursuant to an agreement for use in the PBV program). All such units must be in rural areas of Brown County. For the purposes of this RFP, the U.S. Census Bureau's urban-rural classification is used. The Census Bureau identifies Urbanized Areas (UAs) as areas of 50,000 or more people. "Rural" encompasses all population, housing, and territory not included within an urbanized area. Exhibit A illustrates the 2010 Census Green Bay Urbanized Area in Brown County, Wisconsin.

Certain types of housing units and/or developments that are not eligible for PBV assistance include:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
- Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care;
- Units that are owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution;
- Manufactured homes;
- Cooperative housing;
- Transitional housing;
- High-rise elevator projects for families with children;
- Owner-Occupied housing units;
- Units occupied by an ineligible family at the time of proposal submission or prior to execution of the Housing Assistance Payment (HAP) contract;
- Subsidized housing units types determined ineligible in accordance with HUD regulations. These include, but are not limited to, public housing units; units subsidized with any other form of Section 8 assistance; units subsidized with rental assistance

under Section 236; Section 521 or Section 101; units subsidized with Section 202 including supportive housing for the elderly or persons with disabilities; units subsidized under Section 811; units subsidized with any form of tenant-based rental assistance as defined at 24 CFR 982.1(b)(2), including units subsidized with such assistance under the HOME program; and units with any other duplicative federal, state or local housing subsidy as determined by HUD or the BCHA.

The number of PBV assisted units in the project generally cannot exceed 25 percent (25%) of the total number of dwelling units in the project, except as provided by regulation. Notwithstanding this provision, exceptions to the 25 percent cap include units in a project that are specifically made available for “qualifying families” that are elderly or disabled, or that are receiving specific supportive services, or single-family housing (defined as 1-4 units).

Sites selected for PBV assistance must be:

- Consistent with the goal of de-concentrating poverty and expanding housing and economic opportunities, consistent with the BCHA’s PHA Plan, Administrative Plan, and other local plans. Specific factors are discussed at 24 CFR 983.57(b)(1),
- In full compliance with the applicable laws regarding non-discrimination and accessibility requirements;
- Meeting Housing Quality Standards (HQS) site standards; and
- Must meet HUD regulations for site and neighborhood standards. For existing and rehabilitated housing, the site selected must: a) be adequate size, exposure and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to the site; b) promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons; c) be accessible to social, recreational, educational, commercial, and health facilities and services that are at least equivalent to those typically found in the neighborhoods consisting largely of unassisted, standard housing of similar market rents; and, d) be located within reasonable travel times and cost via public transportation or private auto to places of employment. For new construction units, site and neighborhood standards are detailed at 24 CFR 983.57 (e).

Activities under the PBV program are subject to HUD environmental regulations and may be subject to review under the National Environmental Policy Act by local authorities.

When newly constructed housing sites are selected for PBV assistance, the owner must agree to develop the contract units to comply with HQS. The BCHA may elect to establish additional requirements for quality, architecture, or design of PBV housing, over and above the HQS. The owner and the owner’s contractors and subcontractors must comply with all applicable State and federal labor relations laws and regulations, federal equal employment opportunity requirements, and HUD’s implementing regulations.

The BCHA will enter into a Housing Assistance Payments (HAP) contract with the owner for all sites selected and approved for PBV assistance. The BCHA will make housing assistance payments to the owner in accordance with the HAP contract for those contract units leased and occupied by eligible families during the HAP contract term subject to funding availability.

The BCHA does not conduct screening to determine a PBV applicant family's suitability for tenancy. The owner is responsible for screening and selection of all families, despite being referred by the BCHA's waiting list. The owner's tenant screening criteria is subject to BCHA approval. Such criteria must adhere to BCHA, local, state, and federal requirements. The owner must apply the same screening criteria to all tenants, regardless of PBV assistance.

During the course of the tenant's lease, the owner may not terminate the lease without good cause. "Good cause" does not include a business or economic reason, or desire to use the unit for an individual, family, or non-residential rental purpose. Upon expiration of the lease, the owner may: renew the lease, refuse to renew the lease for good cause, or refuse to renew the lease without good cause.

For existing housing, the owner must provide the BCHA enough information regarding existing tenants prior to execution of the HAP contract to determine if the families are eligible for PBV assistance. Existing tenants who qualify for PBV assistance will be placed on the BCHA PBV waiting list and given an "absolute preference" for continued occupancy in their unit with PB assistance. Existing tenants who do not qualify for PBV assistance cannot be displaced in order for their unit to be project based; instead their unit will not be included in the HAP contract.

The amount of the rent to owner is determined in accordance with HUD regulations. Except for certain tax credit units, the rent to owner including utility allowances must not exceed the lowest of:

- An amount determined by the BCHA, not to exceed 110 percent (110%) of the applicable fair market rent (FMR) for the unit bedroom size, including any applicable tenant-paid utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

BCHA's current Payment Standards for determining maximum rents with all utilities included are available on Exhibit B. The BCHA's utility allowances are attached as Exhibit C.

An independent reasonable rent study will be prepared to determine the rent.

The total rent to the owner for PBV assisted units consists of the tenant rent (the portion of the rent to owner paid by the family) and the rental assistance paid by the BCHA in accordance with the contract with the owner. The BCHA determines the tenant rent in accordance with HUD requirements.

APPLICATION EVALUATION PANEL

The BCHA's Housing Administrator will appoint a PBV Evaluation Panel to review, evaluate, rank, and select the applications according to the criteria described herein.

APPLICATION REVIEW

In submitting the application, the owner certifies that the application and the property are in conformity with HUD program regulations and requirements, including the following items:

- The indicated owner is indeed the owner of the property or, for new construction or rehabilitation, the owner has appropriate site control and could submit evidence upon request;

- The owner and other property principals are not on the U.S. General Services Administration (GSA) list of parties excluded from federal procurement and non-procurement programs
- The owner understands the BCHA will conduct a background check on owners and may deny PBV participation if there is a preponderance of evidence that they have been involved in drug related, gang related, violent or fraudulent activity within 3 years for an ordinance violation or misdemeanor and 5 years for a felony or have had bankruptcy or foreclosures in the past 10 years or have had non-payment of property or income taxes.
- The owner and other property principals do not have any possible conflicts of interest that would be a violation of the HAP contract or HUD regulations. The owner and principal parties must not be:
 - A member or officer of the BCHA board of commissioners;
 - A BCHA employee, or a contractor, subcontractor or agent of the BCHA, who formulates policy or who influences decisions with respect to the program;
 - A public official, member of a governing body, or state or local legislator, who exercises functions or responsibilities with respect to the programs;
 - A member of the Congress of the United States;
 - The spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a proposed contract unit;
- The property is appropriately zoned or in the process of being rezoned for the intended use and meets local design standards as well as the site and neighborhood standards explained above;
- For occupied rehabilitation housing, the owner will provide a relocation plan and certifies that any relocation will be done in accordance with the Uniform Relocation Act;
- For new construction or rehabilitation, the owner will comply with and provide appropriate documentation to confirm compliance with labor standards, including Davis-Bacon and Section 3 employment and training requirements;
- The owner has necessary property insurance, including flood insurance, if necessary;
- The owner is current on property taxes and utilities;
- Existing housing units must, at the time of the BCHA's selection, substantially comply with the Housing Quality Standards;
- The owner understands the rent amounts will be set in accordance with the rent calculations explained above;
- The property is not an ineligible housing type or does not utilize prohibited housing subsidies listed above ;
- For new construction projects, no construction has begun, as evidenced by the BCHA inspection;
- Existing housing, as well as new construction and rehabilitation projects must meet program accessibility standards of both Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8 and the Fair Housing Amendments Act of 1988. Specifically, for projects containing four or more units that are designed, constructed, or altered after July 11, 1988, a minimum of five percent (5%) of the total PBV units, or at least one, whichever is greater, must be fully accessible for people with mobility impairments. An additional two percent (2%) must be fully accessible for persons with hearing or vision impairments;

- The owner understands that not more than 25 percent (25%) of units per project will be eligible for PBV assistance, except for units specifically made available for elderly or disabled families or families receiving supportive services, in which case up to 100 percent (100%) of the units in such buildings are eligible for PBV assistance.

If a project does not meet the requirements indicated above, it will be designated non-responsive. A notice mailed to the applicant will identify the disqualifying factor.

OTHER REQUIREMENTS

1. Before executing an Agreement or HAP Contract with any selected owner, the BCHA will:
 - a. Establish rents in accordance with §983.301 (Determining Rent to Owner);
 - b. Obtain subsidy-layering reviews from HUD or a HUD-approved Housing Credit Agency, if applicable;
 - c. Obtain environmental clearance in accordance with §983.58;
2. Before an Agreement is executed for new construction units, the owner must submit the design architect’s certification that the proposed new construction reflected in the working drawings and specifications comply with housing quality standards, local codes and ordinances, and zoning requirements (§983.57(e)).

RANKING AND SELECTION CRITERIA

Proposals that appear to meet the requirements will be evaluated and ranked by the BCHA Evaluation Panel. The BCHA will prepare a ranking list in accordance to the points awarded to each proposal. The BCHA may, at its discretion, select one or more of the proposals submitted, or none of the proposals submitted.

The BCHA reserves the right to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by the BCHA to be in its best interests. The BCHA reserves the right to reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services. The BCHA shall have no obligation to compensate any applicant for any costs incurred in responding to this RFP.

The BCHA’s Evaluation Panel will review and score each proposal based on the following criteria:

New Construction or Rehab:

CRITERIA	MAXIMUM POINTS AVAILABLE
1. De-concentration of poverty and expansion of housing and economic opportunities	40
2. Developer Experience	40
3. Percentage of PBV units in project	20
Total Points	100

Existing Housing:

CRITERIA	MAXIMUM POINTS AVAILABLE
1. De-concentration of poverty and expansion of housing and economic opportunities	40
2. Owner/Management Experience	40
3. Eligibility of Current Residents	20
Total Points	100

Scoring Criteria for Existing Units:

Units must be inspected by the BCHA to ensure they substantially comply with Housing Quality Standards before a proposal will be selected. Owners must provide a list of the units proposed for assistance. If specific units are not permanently designated as the PBV units (floating units), then all units in the project which are likely to become project based must be inspected.

For a further breakdown of the selection criteria, see Exhibit D.

APPLICATION FORMAT

Three (3) hard copies of owner applications must be submitted as well as an electronic copy, sent either to the email address indicated below or provided on CD or USB memory stick (will not be returned).

APPLICATION SUBMISSION DEADLINE

Owner applications will be accepted at the BCHA office, located at:

Brown County Housing Authority
100 N. Jefferson Street, Room 608
Green Bay, WI 54301
Attn: Robyn Hallet
robynha@greenbaywi.gov

Potential Applicants may submit questions to the above email until June 30, 2014. Answers to questions will be published in an addendum on July 11, 2014. Applications for rehabilitation or new construction units will be accepted until 4:30 P.M. on Monday, July 25, 2014. Applications will be accepted on an ongoing basis for existing housing units; however those wishing to be considered for award in August, 2014 must be submitted by 4:30 P.M. on Monday, July 25, 2014. The proposal opening will be on July 28, 2014 at 10:00 A.M. to announce the names of applicants. The BCHA anticipates making awards on August 18, 2014

NON-RESPONSIVE OR NON-COMPLIANT APPLICATIONS

If the BCHA determines that an application is non-responsive or non-compliant with this RFP, written selection criteria and procedures, or HUD program regulations, the applicant will be notified of the deficiencies and provided five (5) calendar days to correct all deficiencies. The application will be considered for the program if the missing information is submitted within this time period.

The BCHA reserves the right to cancel this RFP for any reason or to reject applications at any time for misinformation, errors, or omissions of any kind, regardless of the stage in the process that has been achieved.

APPLICATION CONTENT

Applications for PBV assistance must include all of the following information, consisting of both the BCHA PBV Application Form and the accompanying narrative and supplemental information:

The following information must be provided on the BCHA PBV Application Form:

- Project or Property name
- Owner name: If necessary, attach a separate sheet to identify all owners, developers or architects (for new construction or rehab), management agents, officers, principal members, shareholders, investors and other parties with an interest in the project
- Project Address
- Name, phone number, and email address for the main contact person for this application
- Description of the general location of the project
- Indicate if the project is existing housing, new construction or rehabilitation. For existing, indicate the date the project was built and dates of any major rehabilitation. For new construction or rehab, include an attachment indicating all major milestones and anticipated dates for the financing and construction or rehab
- Description of building type, for example one-story, townhouse, high rise with elevator, etc.
- Total number of buildings and units per building, indicating total units in the project
- Total number of units by bedroom size in the project, including square footage (ie: 20 1-bedroom, 550 square feet; 16 2- bedroom, 700 square feet, etc.)
- Total number of proposed project based units by bedroom size
- Specify if owner wishes to project base specific units or to have floating units. Floating units means that specific units are not permanently designated, but rather may change based on tenant turnover. If specific units, list the apartment numbers of each specific unit. If floating units, list all potential units, which may include all units in the project, if so desired. Attach additional sheet if necessary
- Initial term requested for PBV contract. Initial term is a maximum of 15 years and may be renewed for up to 15 additional years for a total of 30 years. Indicate initial term only
- Proposed contract rent for each unit type/size
- Breakdown of utility responsibilities to be paid by the tenant and by the owner.

In addition, the following information must be provided as attachments to the application:

- **Project Narrative:** Explain the ways in which the proposed housing project meets the BCHA's mission of ensuring that all residents of Brown County have the opportunity for safe, affordable housing. Explain how the project is consistent with at least one of the BCHA's goals: expand supply of assisted housing; improve the quality of assisted housing; increase assisted housing choices; provide an improved living environment; promote self-sufficiency and asset development of assisted households; ensure equal

opportunity and affirmatively further fair housing. Limit narrative to no more than 900 words;

- **Site selection standards narrative:** Demonstrate that the project is consistent with HUD's statutory goal of de-concentrating poverty and expanding housing and economic opportunities (as per §983.57). Explain which of the following HUD criteria apply to the property and how, identifying data sources used: (Limit narrative to no more than 500 words)
 - HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
 - Located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;
 - Located in a census tract which is undergoing significant revitalization;
 - State, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
 - New market rate units are being developed in the same census tract that will positively impact the poverty rate in the area;
 - Experiencing an overall decline in the poverty rate in the past five years if the poverty level is over 20 percent;
 - Meaningful opportunities for educational and economic advancement in the census tract;
- **Experience:** Include a narrative and/or other documentation demonstrating experience related to this RFP. For new construction or rehabilitation, indicate the developer's experience and capability to build or rehabilitate affordable housing; for existing housing, indicate experience as an owner in the Housing Choice Voucher program (project based and/or tenant based) and owner's compliance with owner obligations under HCV. Include a description of the management agent's experience;
- **Financial Capacity:** For existing housing, include a copy of the most recent audited financials and a listing of accounts payable greater than 90 days; For new construction or rehab, include evidence of financing, including project-specific operating proforma for the life of the PBV contract;
- **Amenities and services:** Provide a listing of amenities and services included such as off-street parking, laundry facilities, playgrounds, community rooms, wiring for electronic media, free cable TV, services or activities for elderly or people with disabilities, etc.;
- **Photos** (for existing housing) or **renderings** (for new construction or rehab) of the property, including exterior, common areas, typical unit interior;
- **Handicapped accessibility features:** Describe the units which meet accessibility features required by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Fair Housing Amendments Act of 1988. Indicate the total number of accessible units and include the apartment numbers of such units requesting to be project-based. If housing was constructed prior to June 2, 1988 and the percentage of accessible units does not meet Section 504 requirements, provide documentation to support that an undue financial or administrative burden would exist if such requirements were met;
- **Tenant Selection Plan:** Detail tenant screening and selection criteria, include any tenancy preferences owner offers. Examples include a review of applicants' credit history, a criminal background check, an evaluation of applicants' income to determine affordability, etc. Tenant screening and selection criteria must adhere to the BCHA,

local, state, and federal requirements. The owner/agent must apply the same screening criteria to all tenants at the property, regardless of PBV assistance. Criteria must include target population and income limits required by any governmental programs involved in the project;

- **Rent and Occupancy Status:** For existing housing, indicate the extent to which units are occupied by families that are eligible to participate in the PBV program (ie: to the owners' knowledge, if families meet the BCHA's criminal screening requirements, are income eligible, are not otherwise ineligible for the Housing Choice Voucher Program, and don't already have a tenant-based Voucher). Ineligible families cannot be displaced and residents who already have a tenant-based Voucher cannot be required to give up their Voucher in order to project base a unit;
- **Description of other governmental assistance** in the project, include the amount and type of funding and if it applies to specific units. For new construction or rehab, if a subsidy layering review has already been completed, provide a copy. If not yet completed, provide all HUD- required documentation so that it can be completed;
- **Section 3:** For new construction or rehabilitation, provide a plan detailing how Section 3 employment and training opportunities requirements will be met.

For any questions regarding this RFP, please contact Robyn Hallet at (920) 819-5289 or by email at RobynHa@greenbaywi.gov.